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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 KARL W. SCHENKER,

9 *Plaintiff,*

10 vs.

11 CHRISTIAN ROWLEY, *et al.*

12 *Defendants.*
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3:12-cv-00174-LRH-VPC

ORDER

15 This prisoner civil rights action by a Nevada state inmate comes before the Court on
16 plaintiff's motion (#35) for settlement conference and motion (#41) for contempt.

17 The Court has scheduled a settlement conference, and the motion for settlement
18 conference will be granted to the extent consistent with the prior orders (## 38 & 39).

19 The motion for contempt seeks to sanction defendants' counsel because of an
20 allegedly improper substitution of counsel and to override the substitution. Local Rule IA 10-6
21 does not govern an appearance of one deputy attorney general in lieu of another as counsel
22 with the state attorney general's office. The state attorney general's office clearly is not
23 withdrawing as counsel nor is other counsel being substituted for the state attorney general's
24 office. Given that counsel followed the established standard procedure for reflecting a
25 change in the deputy attorney general assigned to the case, any suggestion that counsel
26 engaged in contumacious conduct is itself a sanctionable frivolous allegation.

27 The Court has scheduled a settlement conference in this matter. Plaintiff should focus
28 his efforts on engaging in constructive settlement negotiations with the deputy attorney


1 general currently representing defendants in this case. The Court notes that plaintiff
2 previously has been admonished regarding the consequences of filing frivolous motions. See
3 #31, at 7-8. Plaintiff, again, should focus on engaging in constructive settlement dialogue with
4 current counsel, not filing frivolous motions about matters that do not concern him.

5 IT THEREFORE IS ORDERED that plaintiff's motion (#35) for settlement conference
6 is GRANTED to the extent consistent with the Court's prior orders (## 38 & 39).

7 IT FURTHER IS ORDERED that plaintiff's motion (#41) for contempt is DENIED as
8 frivolous.

9 DATED: August 2, 2013

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VALERIE P. COOKE
United States Magistrate Judge